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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,136	11/18/2003	Sundaram Ramani	MFCP.110234	1912
45809	7590	09/03/2008	EXAMINER	
SHOOK, HARDY & BACON L.L.P. (c/o MICROSOFT CORPORATION) INTELLECTUAL PROPERTY DEPARTMENT 2555 GRAND BOULEVARD KANSAS CITY, MO 64108-2613				DAO, THUY CHAN
ART UNIT		PAPER NUMBER		
2192				
MAIL DATE		DELIVERY MODE		
09/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/715,136	RAMANI ET AL.	
	Examiner	Art Unit	
	Thuy Dao	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 31 March 2008.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-33 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-33 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 11/18/03 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. This action is responsive to the amendment filed on March 31, 2008.
2. Claims 1-33 have been examined.

Response to Amendments

3. In the instant amendment, claims 1 and 9 have been amended.

Specification

4. Acronym(s) should be spelled out at the first appearance in the specification (e.g., page 2: "RAD").

Appropriate correction is requested.

Claim Objections

5. In the last Office action mailed December 31, 2007, claims 1-15 are rejected under 35 USC §101 rejection. To fully direct to statutory subject matter, the currently amended limitations are considered to read as:

Claim 1: - -A compiling system embodied on a computer readable storage medium ... - - as disclosed in the specification, page 6, [0025], lines 3-5;

Claim 9: - -A compiling system embodied on a computer readable storage medium ... - -;

Claim 33: - -A computer readable storage medium ... - -.

Appropriate correction is requested.

Response to Arguments

6. Priority Date (Remarks, page 9):

From the record, on March 31, 2008, the Applicants filed a Petition to claim a continuation-in-part priority date to the US Patent application 10/377,313, "...which shares at least one common inventor with the current application" (Remarks, page 9, lines 12-13).

However, the examiner notes that MPEP 706.02(I)(2) Establishing Common Ownership stated,

"I. DEFINITION OF COMMON OWNERSHIP

The term "commonly owned" is intended to mean that the subject matter which would otherwise be prior art to the claimed invention and the claimed invention are entirely or wholly owned by the same person(s) or organization(s)/business entity(ies) at the time the claimed invention was made ...

The requirement for common ownership at the time the claimed invention was made is intended to preclude obtaining ownership of subject matter after the claimed invention was made in order to disqualify that subject matter as prior art against the claimed invention.

...

II. EVIDENCE REQUIRED TO ESTABLISH COMMON OWNERSHIP

It is important to recognize just what constitutes sufficient evidence to establish common ownership at the time the invention was made. The common ownership must be shown to exist at the time the later invention was made. A statement of present common ownership is not sufficient. In re Onda, 229 USPQ 235 (Comm'r Pat. 1985)" (emphasis added).

That is to say, at the time of invention (November 18, 2003 as the filing date of the instant application), the instant claimed invention does not have a common ownership with the currently applied reference ("Ramani", US Patent Application No. 10/377,313 with the filing date February 28, 2003).

The Applicants merely stated, "...Applicants now claim priority to application serial no. 10/377,313, now U.S. Patent No. 7,120,618, which shares at least one common inventor with

the current application" (emphasis added), but have not established a common ownership between the current/instant application and 10/377,313 (emphasis added).

Accordingly, the continuation-in-part priority date (February 28, 2003) has not been acknowledged yet. In this Office action, the priority date of the instant application is still considered as November 18, 2003 (the filing date).

7. Art rejection: Applicants' arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections – 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication No. 2004/0015840 A1 to Walker (art made of record, hereafter "Walker") in view of US Patent Publication No. 2002/0169999 A1 to Bhansali et al. (art made of record, hereafter "Bhansali").

Claim 1:

Walker discloses a *compiling system embodied on a computer readable medium for compiling a markup language file into an executable application, the compiling system comprising:*

a parser for parsing the markup language file (e.g., FIG. 5, blocks 505-515 and related text, [0002], [0020]) and

providing the compiling system with detailed token information (e.g., page 2, an XML representation of a book store with tags, property/attributes, [0022]-[00023]);

a code generator for generating code expressions based on the token information (e.g., FIG. 5, blocks 535-565 and related text, [0003]-[0005], [0112]-[0114]),

wherein the code expressions represent the markup file as a class (e.g., page 2-3, Java class of book store, [0024]-[0028]); and

a compiler for compiling the code expressions to create the executable application (e.g., [0003], [0019]).

Walker does not explicitly generate a language-independent tree of code expressions.

However, in an analogous art, Bhansali further discloses:

code expressions as a class (e.g., FIG. 9, code expressions as Input Stream 900, [0115]-[0117], [0121]-[0124]);

generating a language-independent tree of code expressions (e.g., [0018]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Bhansali's teaching into Walker's teaching. One would have been motivated to do so to translate a program into intermediate language code representation and into multiple subsequent language code as suggested by Walker (e.g., [0017], [0020]-[0025]).

Claim 2:

The rejection of claim 1 is incorporated. Walker discloses *the detailed token information comprises a tag* (e.g., [0038]-[0049]).

Claim 3:

The rejection of claim 1 is incorporated. Walker discloses *the detailed token information comprises a property or event* (e.g., [0022]-[0026]).

Claim 4:

The rejection of claim 1 is incorporated. Walker discloses *the detailed token information comprises a user code snippet* (e.g., [0016]-[0021]).

Claim 5:

The rejection of claim 1 is incorporated. Walker discloses *the markup language file is associated with at least one code-behind file* (e.g., [0002]-[0005]).

Claim 6:

The rejection of claim 5 is incorporated. Walker discloses *the compiler is configured to compile the markup language file and the code-behind file* (e.g., [0014]-[0021]).

Claim 7:

The rejection of claim 1 is incorporated. Walker discloses *the executable application is an intermediate language application* (e.g., [0039]-[0044]).

Claim 8:

The rejection of claim 1 is incorporated. Walker discloses *a binary file generator for generating a binary file from non-code token information, wherein the binary file contains one record for each non-code token* (e.g., [0060]-[0072]).

Claim 9:

Walker discloses *a compiling system embodied on a computer readable medium for compiling a markup language file into an executable application, the compiling system comprising:*

a parser for parsing the markup language file (e.g., FIG. 5, blocks 505-515 and related text, [0002], [0020]) and

providing the compiling system with detailed token information including non-code token information to the compiling system (e.g., page 2, an XML representation of a book store with tags, property/attributes, [0022]-[00023]);

a binary file generator for generating a binary file from non-code token information, wherein the binary file contains one record for each non-code token (e.g., [0088]); and

a code generator for generating a language-independent code expression that represents the markup language file as a class (e.g., page 2-3, Java class of book store, [0024]-[0028]).

Walker does not explicitly generate a language-independent tree of code expressions.

However, in an analogous art, Bhansali further discloses:

code expressions as a class (e.g., FIG. 9, code expressions as Input Stream 900, [0115]-[0117], [0121]-[0124]);

generating a language-independent tree of code expressions (e.g., [0018]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Bhansali's teaching into Walker's teaching. One would have been motivated to do so to translate a program into intermediate language code representation and into multiple a subsequent language code as suggested by Walker (e.g., [0017], [0020]-[0025]).

Claim 10:

The rejection of claim 9 is incorporated. Walker discloses *an application generator for compiling the code files into an application* (e.g., [0105]-[0118]).

Claim 11:

The rejection of claim 10 is incorporated. Walker discloses *the application generator combines the binary files into a single resource* (e.g., [0098]-[0114])

Claim 12:

The rejection of claim 9 is incorporated. Walker discloses *the detailed token information comprises a tag* (e.g., [0078]-[0092]).

Claim 13:

The rejection of claim 9 is incorporated. Walker discloses *the detailed token information comprises a property or event* (e.g., [0044]-[0056]).

Claim 14:

The rejection of claim 9 is incorporated. Walker discloses *the detailed token information comprises a user code snippet* (e.g., [0061]-[0072]).

Claim 15:

The rejection of claim 9 is incorporated. Walker discloses *the markup language file is associated with at least one code-behind file* (e.g., [0079]-[0088]).

Claim 16:

The rejection of claim 15 is incorporated. Walker discloses *the compiling system is configured to compile the markup language file and the code-behind file* (e.g., [0016]-[0024]).

Claim 17:

Walker discloses a *method for compiling a markup language file into an executable application, the method comprising:*

receiving a markup language file; parsing the markup language file and providing a compiling system with detailed token information (e.g., FIG. 5, blocks 505-515 and related text, [0002], [0020]; page 2, an XML representation of a book store with tags, property/attributes, [0022]-[00023]);

generating code expressions based on the token information (e.g., FIG. 5, blocks 535-565 and related text, [0003]-[0005], [0112]-[-0114]),

wherein the code expressions represent the markup language file as a class (e.g., page 2-3, Java class of book store, [0024]-[0028]); and

compiling the code expressions to create the executable application (e.g., [0003], [0019]).

Walker does not explicitly *generating a language-independent tree of code expressions.*

However, in an analogous art, Bhansali further discloses:

code expressions as a class (e.g., FIG. 9, code expressions as Input Stream 900, [0115]-[0117], [0121]-[0124]);

generating a language-independent tree of code expressions (e.g., [0018]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Bhansali's teaching into Walker's teaching. One would have been motivated to do so to translate a program into intermediate language code representation and into multiple a subsequent language code as suggested by Walker (e.g., [0017], [0020]-[0025]).

Claim 18:

The rejection of claim 17 is incorporated. Walker discloses *receiving a code-behind file (e.g., [0033]-[0042]).*

Claim 19:

The rejection of claim 18 is incorporated. Walker discloses *compiling the markup language file and the code-behind file (e.g., [0049]-[0058]).*

Claim 20:

The rejection of claim 17 is incorporated. Walker discloses *providing a tag as detailed token information (e.g., [0003]-[0011]).*

Claim 21:

The rejection of claim 17 is incorporated. Walker discloses *providing a property or event as the detailed token information* (e.g., [0026]-[0034]).

Claim 22:

The rejection of claim 17 is incorporated. Walker discloses *providing a user code snippet as the detailed token information* (e.g., [0051]-[0064]).

Claim 23:

The rejection of claim 17 is incorporated. Walker discloses *receiving a command to create an intermediate language application* (e.g., [0028]-[0040]).

Claim 24:

The rejection of claim 17 is incorporated. Walker discloses *generating a binary file from non-code token information, wherein the binary file contains one record for each non-code token* (e.g., [0016]-[0022], [0026]-[0049]).

Claim 25:

Claim 25 is a computer readable storage medium version, which recite(s) the same limitations as those of claim 17, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claim(s), it also teaches all of the limitations of claim 25.

Claim 26:

Walker discloses *a method for compiling a markup language file into an executable application, the method comprising:*

parsing the markup language file and providing the compiling system with detailed token information including non-code token information (e.g., FIG. 5, blocks 505-515 and related text, [0002], [0020]);

generating a binary file from the non-code token information, wherein the binary file contains one record for each non-code token (e.g., [0088]); and

generating a language-independent code expression that represents the markup language file as a class (e.g., page 2-3, Java class of book store, [0024]-[0028]; [0003], [0019]).

Walker does not explicitly *generating a language-independent tree of code expressions.*

However, in an analogous art, Bhansali further discloses:

code expressions as a class (e.g., FIG. 9, code expressions as Input Stream 900, [0115]-[0117], [0121]-[0124]);

generating a language-independent tree of code expressions (e.g., [0018]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Bhansali's teaching into Walker's teaching. One would have been motivated to do so to translate a program into intermediate language code representation and into multiple a subsequent language code as suggested by Walker (e.g., [0017], [0020]-[0025]).

Claim 27:

The rejection of claim 26 is incorporated. Walker discloses *compiling the code expressions into an executable application (e.g., [0057]-[0069]).*

Claim 28:

The rejection of claim 27 is incorporated. Walker discloses *combining the binary files into a single resource (e.g., [0061]-[0073]).*

Claim 29:

The rejection of claim 27 is incorporated. Walker discloses *providing a tag as the detailed token information (e.g., [0094]-[0111]).*

Claim 30:

The rejection of claim 27 is incorporated. Walker discloses *providing a property or event as the detailed token information* (e.g., [0114]-[0118]).

Claim 31:

The rejection of claim 27 is incorporated. Walker discloses *providing a user code snippet as the detailed token information* (e.g., [0019]-[0026]).

Claim 32:

The rejection of claim 27 is incorporated. Walker discloses *receiving at least one code-behind file associated with the markup language file and compiling both the code-behind file and the markup language file* (e.g., [0025]-[0041]).

Claim 33:

Claim 33 is a computer readable storage medium version, which recite(s) the same limitations as those of claim 27, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claim(s), it also teaches all of the limitations of claim 33.

Conclusion

10. Any inquiry concerning this communication should be directed to examiner Thuy Dao (Twee), whose telephone/fax numbers are (571) 272 8570 and (571) 273 8570, respectively. The examiner can normally be reached on every Tuesday, Thursday, and Friday from 6:00AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam, can be reached at (571) 272 3695.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273 8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is (571) 272 2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Thuy Dao/
Examiner, Art Unit 2192

/Tuan Q. Dam/
Supervisory Patent Examiner, Art Unit 2192